

Remarks

- 1) Upon entry into US national stage, applicant amended the claims to conform to US patent practice requirements under 37 CFR §1.75.
- 2) Applicant amended the specifications to reflect priority claim in accordance with the requirements of 35 U.S.C. §119, and to incorporate the priority applications by reference in this application.
- 3) In PCT/US03/22279 the office generated an international search report citing US patent No. 5,963,546 to Shoji as being particularly relevant to the invention and that the claims lack novelty and/or inventive step in light of the Shoji reference. Applicant respectfully disagrees.

The present invention relates to a method of selecting optimized transmission paths that is context aware, i.e. the selection of the most appropriate path is preformed based on the data. More precisely, as clearly claimed, the selection is based not only on the available paths, but on the context, type, and/or other characteristics of the data (paragraph 11). The claimed invention therefore requires the path selection to be made using metadata. Examples of metadata include but are not limited to, type, application that generated the data, latency constraints, receiver type, and the like. It is clear therefore that metadata is data that describes certain characteristics of the data, and/or the receiver (paragraphs 14, 17, and the application as a whole), which indicates the most desired transmission path.

Applicant failed to find anywhere in Shoji a reference or even a hint to selection of the path using the metadata that describes certain characteristics of the data. It is applicants' understanding that Shoji relates to searching available paths in mesh networks, but that the path search relates to the architecture and not to the data. Therefore it is believed that the Shoji reference has little if any influence on the present invention. While the Shoji and the present invention may beneficially cooperate, the Shoji disclosure have no bearing on the patentability of the present invention.

- 4) Applicant respectfully requests that the above amendment be entered into record and that the application be examined in accordance therewith.

Respectfully submitted



Shalom Wertsberger

Reg. Num 43,359
30 Fern Lane
South Portland, ME 04106
Phone: (207) 799-9733
Fax: (207) 767-5324

Agent for Applicant